

On June 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3098. Misbranding of peach and pear tidbits. U. S. v. 90 Cases of Peach & Pear Tidbits. Decree of condemnation. Product released under bond for re-labeling. (F. D. C. No. 6577. Sample No. 22872-E.)

The label of this product bore a vignette of a dish of fairly uniform cubes, whereas it consisted of pieces of very irregular size and shape and a substantial proportion had been disintegrated by cooking.

On December 24, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 90 cases of peach and pear tidbits at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 28, 1941, by Harcourt, Greene Co. from San Francisco, Calif.; and alleging that it was misbranded. The article was labeled in part: (Cans) "Seline Peach & Pear Tidbits [vignette] * * * Packed by Schuckl & Co. Inc. San Francisco Calif."

It was alleged to be misbranded in that the vignette, showing fairly uniform cubes, was misleading as applied to a product composed of pieces of very irregular size and shape; and in that the statement "Peach & Pear Tidbits" was false and misleading as applied to a product not tidbits but consisting of irregularly shaped fragments, a substantial proportion of which had become disintegrated during the cooking process.

On February 18, 1942, Harold-Stephens Co., Allentown, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3099. Misbranding of chopped peach-pear mix. U. S. v. 50 Cases of Peach-Pear Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6573. Sample No. 23235-E.)

The label of this product bore a vignette of a dish of fairly uniform cubes, whereas it consisted almost entirely of small odd-shaped fragments.

On December 23, 1941, the United States attorney for the Southern District of Texas filed a libel against 50 cases of Peach-Pear Mix at Laredo, Tex., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was misbranded in that the vignette of fairly uniform cubes was misleading as applied to small odd-shaped fragments. The article was labeled in part: (Cans) "[vignette] Great Value Brand * * * Peach-Pear Mix."

On March 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

- CANNED VEGETABLES

8100. Misbranding of canned wax beans. U. S. v. 12 Cases of Wax Beans. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6562. Sample No. 70078-E.)

This product was canned cut wax beans of Standard or Extra Standard quality, but not Fancy because of the presence in each can of appreciable proportions of beans which were too old to be of Fancy quality, were hard and mealy, and in many cases stringy.

On or about December 29, 1941, the United States attorney for the Southern District of Florida filed a libel against 12 cases of wax beans at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by the Larsen Co. from Green Bay, Wis.; and charging that it was misbranded in that the word "Fancy" was false and misleading as applied to an article which was not Fancy. The article was labeled in part: (Can) "Plee-Zing * * * Fancy Cut Wax Beans * * * Packed * * * by the Winorr Canning Company."

On January 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the word "Fancy" had been removed from all the labels.

8101. Adulteration of canned sliced beets. U. S. v. 53 Cases of Canned Beets. Consent decree of condemnation and destruction. (F. D. C. No. 6835. Sample No. 65949-E.)

Examination showed that this product was undergoing progressive spoilage.

On February 11, 1942, the United States attorney for the District of Colorado filed a libel against 53 cases of canned beets at Denver, Colo., which had been

consigned by the Marshall Canning Co. of Texas, alleging that the article had been shipped in interstate commerce on or about June 24, 1941, from Sugarland, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Marshall Sliced Beets Contents 6 Lb. 8 Oz. Distributed By Marshall Food Products Co. Marshalltown, Iowa."

On February 24, 1942, Marshall Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

3102. Misbranding of canned corn. U. S. v. 556 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6711. Sample No. 11342-E.)

This product was not of Fancy quality because of overmaturity and presence of cob and husk.

On or about January 9, 1942, the United States attorney for the Southern District of Texas filed a libel against 556 cases of canned corn at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 20, 1941, by the Esmeralda Canning Co., from Circleville, Ohio; and charging that it was misbranded. The article was labeled in part: (Cans) "Premier Fancy Cream Style Golden Corn * * * Francis H. Leggett & Co. Distributors New York, N. Y."

The article was alleged to be misbranded in that the statement "Fancy" was false and misleading as applied to an article that was not Fancy because of overmaturity and the presence of cob and husk.

On March 2, 1942, Francis H. Leggett & Co., Houston, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration, to comply with the Federal Food, Drug, and Cosmetic Act.

3103. Misbranding of canned corn. U. S. v. 96 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6544. Sample No. 70074-E.)

This product was not of Fancy quality because of overmaturity and of the presence of cob and husk.

On or about December 26, 1941, the United States attorney for the Southern District of Florida filed a libel against 96 cases of canned corn at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 7, 1941, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was misbranded in that the word "Fancy" was false and misleading as applied to an article that was not of Fancy quality. The article was labeled in part: "Premier Fancy Cream Style White Corn."

On January 9, 1942, Francis H. Leggett & Co., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

3104. Misbranding of canned corn. U. S. v. 86 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6838. Sample No. 80158-E.)

Examination showed that this product was not of grade A, or Fancy quality, as labeled, because of overmaturity of the kernels.

On February 10, 1942, the United States attorney for the Northern District of Ohio filed a libel against 86 cases of canned corn at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 7, 1942, by Rockfield Canning Co. from Rockfield, Wis.; and charging that it was misbranded in that the terms "Fancy" and "Grade A" were false and misleading as applied to an article that was not Fancy or Grade A because of overmaturity. The article was labeled in part: "Kroger's Country Club Quality Brand * * * Fancy Whole Kernel Golden Bantam * * * Distributed by the Kroger Grocery & Baking Co., Cincinnati, O."

On March 27, 1942, the Kroger Grocery & Baking Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.